

### **XIII. INTERAGENCY AGREEMENTS; RESOLUTION OF INDIVIDUAL DISPUTES** **INTERAGENCY AGREEMENTS** (34 CFR 303.523)

The State of Missouri ensures that it has entered into formal interagency agreements with other state level agencies involved in the State's early intervention system.

Each agreement includes the following:

1. the financial responsibility of each agency for paying for early intervention services that is consistent with state law and Part C requirements;
2. the procedures for achieving a timely resolution of intra- and interagency disputes about payments for a given service(s) or disputes about other matters related to of the State's early intervention program. The procedures include a mechanism for making a final determination that is binding upon the agencies involved;
3. a process that permits each state agency participating in the State's early intervention program to resolve any internal disputes (based on the agency's procedures that are included in the agreement) so long as the agency does so in a timely manner.
4. should an agency be unable to resolve its own internal dispute in a timely manner through their own agency's dispute resolution procedures, DESE will follow the procedures identified below to achieve resolution of the intra-agency dispute; and,
5. any additional components necessary to ensure effective cooperation and coordination among all agencies involved in the State's early intervention program.

### **RESOLUTION OF DISPUTES** (34 CFR 303.524)

DESE is responsible for resolving disputes according to procedures in 34 CFR 303.523 (c) (2) (ii). During the pendency of a dispute, DESE is responsible for assigning financial responsibility to an agency or to itself as lead agency, in accordance with the payor of last resort provisions in 34 CFR 303.527. If during the resolution of the dispute, the financial designee determines that the assignment of financial responsibility was inappropriately made, the financial designee shall reassign the responsibility to the appropriate agency and DESE shall make arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.

The dispute will be reviewed by an interagency panel consisting of appropriate staff members designated by the appropriate Director(s) of the state agencies and the Commissioner of Education who will together render a decision. In the event the decision is not satisfactory, the parties involved may refer the dispute to the Governor.

### **DELIVERY OF SERVICES IN A TIMELY MANNER** (34 CFR 303.525)

DESE has developed the following procedures to ensure services are provided in a timely manner pending resolution of disputes among public agencies or service providers.

Pending resolution of a dispute, DESE will utilize Part C funds to directly pay for services. DESE will conduct a review with parties involved. The assignment of financial responsibility will be reviewed by an interagency panel consisting of appropriate staff members designated by the appropriate director(s) of the state agencies.

The panel will provide a recommendation of their decision to the Commissioner of Education and appropriate Department directors who will render a decision. This decision will reassign the fiscal responsibility to the appropriate agency and make arrangements to reimburse expenditures incurred by DESE. In the event the decision is not satisfactory, the parties involved shall refer the dispute to the Governor. Services will continue to be provided during the resolution of the dispute at this level.

### **PAYOR OF LAST RESORT** (34 CFR 303.527)

All funding policies as identified in the Interagency Agreement conform with the following:

1. Nonsubstitution of funds--Part C funds may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source unless that services' source of payment is under dispute. Part C funds may be used only for early

intervention services that an eligible child needs but is not currently entitled to under any other Federal, State, local, or private source.

2. Interim payments/reimbursement--In order to prevent a delay in the timely provision of services, Part C funds may be used to pay the provider of services pending reimbursement from the agency or entity that has ultimate responsibility for the payment. Payment may be made for:
  - a. early intervention services,
  - b. eligible health services, and
  - c. other functions and services authorized by Part C including child find, evaluation, and assessment. This provision does not apply to medical services or well-baby care.
3. Non-reduction of benefits--Medical or other assistance that is available to the State under Title V of the Social Security Act (SSA) (relating to maternal and child health) or Title XIX of the SSA (relating to Medicaid for eligible children) may not be reduced.

If the dispute is in regard to fiscal responsibility the following will be implemented. The assignment of financial responsibility will be determined by an interagency panel consisting of appropriate staff members designated by the directors of the participating state agencies. The panel will recommend their decision to the Commissioner of Education and appropriate Department Director(s) who will render a decision. Their decision will: reassign the fiscal responsibility to the appropriate agency, and make arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.

In the event that the decision is not satisfactory, the review process shall include:

1. referring the dispute to the Governor, and
2. implementing the procedures to ensure that services are provided to eligible children and their families in a timely manner, pending resolution of disputes among public agencies or service providers as required under 34 CFR 303.525.

#### REIMBURSEMENT PROCEDURES (34 CFR 303.528)

The State of Missouri assures that a system is in place which includes procedures for securing timely reimbursement of funds in accordance with section 303.527(b).